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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. CR 20-249 RS (LB)
	)	
Plaintiff,	)	JOINT STATUS REPORT RE: ROBERT
	)	ABRAMOFF SEARCH HITS FROM JACK
v.	)	ABRAMOFF'S IPHONE
	)	
MARCUS ANDRADE,	)	
	)	
Defendant.	)	
	)	

Pursuant to the Court's April 18, 2023, Discovery Order, the parties submit the following status report regarding production of non-privileged Robert Abramoff search hits contained on the image of Jack Abramoff's iPhone (the "iPhone"). Dkt. 170. The Court's Order requires the parties to: (1) confer about the timing of and process for the government's Robert Abramoff search hits production and (2) submit a joint update with the parties' respective proposals for the production. Dkt. 170. The parties met and conferred on April 24, 2023. The parties' respective proposals for production are below.

The Government's Proposal

On April 24, 2023, counsel for Jack Abramoff informed the government that his firm had searched the iPhone and identified "630 chat communications and 88 instant messages across the

1 three folders in which (i) Robert Abramoff is a participant, or (ii) ‘Robert Abramoff’ appears in chat or  
2 instant message body text.” *See* Letter from Winston & Strawn LLP to AUSAs Weingarten and  
3 Highsmith, April 24, 2023 (attached here as Exhibit 1). Jack Abramoff’s counsel concluded: “None of  
4 those communications is privileged.” *Id.* Counsel further identified “certain purely personal exchanges  
5 between brothers Jack and Robert about their aged father, including health and family relationship  
6 issues, that we ask to be withheld from any discovery production.” *Id.* Abramoff’s counsel prepared a  
7 Sensitive Family Data Log (attached here as Exhibit 2) identifying approximately 31 unique  
8 communications and two telephone numbers for Robert Abramoff to be excluded from production as  
9 irrelevant, sensitive family data. *See* Sensitive Family Data Log (attached here as Exhibit 2).

10         Given Abramoff’s determination that the Robert Abramoff search hits are not privileged, the  
11 government will begin reviewing and preparing them for production. In addition, the government will  
12 locate and immediately thereafter review Mr. Abramoff’s 31 designated sensitive family data designated  
13 communications. If the government agrees that the 31 communications are irrelevant, sensitive family  
14 data, then the government will produce the Robert Abramoff iPhone search hits minus the 31 sensitive  
15 communications and two private telephone numbers as quickly as reasonably possible, and no later than  
16 May 5, 2023. If, however, the government’s review determines that the 31 communications are  
17 relevant, the government will produce them after giving Jack Abramoff’s counsel an opportunity to  
18 object.

#### 19         Defendant Andrade’s Position

20         This Court’s April 18, 2023 Order (Dkt. 170) directed the submission of a joint update on the  
21 resolution of privilege claims relating to communications on Jack Abramoff’s device relating to his  
22 brother Robert, and the Court directed the government to produce any that are not privileged. As the  
23 government’s portion of this update reports, none of the communications are privileged. All the  
24 communications should therefore be produced, along with the complete image of Abramoff’s phone.

25         The government nonetheless proposes that it be allowed until May 5, 2023, to make its  
26 productions. In making this proposal, the government does not respond to the Court’s order directing  
27 the production of all non-privileged communications. Rather, during the interim, the government seeks  
28 to remove information it determines to be irrelevant, an issue the government never raised in any of the

many arguments leading to the Court's April 7 and April 18 Orders. In support of its request, the government attaches a letter and supporting log from counsel for Jack Abramoff, who has not intervened and is not a party to this proceeding. This Court should not hear or credit any relevance claims from Mr. Abramoff, a non-party who has declined the Court's invitation to appear and whose submissions are not accompanied by any declaration or oath.<sup>1</sup>

Despite requests by Mr. Andrade, the government has not produced any of the other material required by the Court's April 7 Order, nor set a date by which it will do so, and has declined to advise Mr. Andrade whether it still possesses Mr. Erickson's device, extraction reports relating to that device, or materials relating to any destruction of the device. Mr. Andrade asks the Court to set a compliance date for the production of all material ordered on April 7, 2023.

DATED: April 25, 2023

Respectfully submitted,

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<sup>1</sup> In the event that the Court allows either the government or Mr. Abramoff to make a relevance objection, Mr. Andrade advised the government that, as long as the entire device was preserved, he would accept non-production of photos of minor grandchildren, passwords for health apps, social security numbers, or redactions that the government would propose, subject to Mr. Andrade's agreement. Especially given the government's overly-narrow view of relevance during these disputes, and the many hats worn by Robert Abramoff, Mr. Andrade objects to the non-production of what Mr. Abramoff's log calls, without definition, "family issue interaction." In addition, defense counsel has raised with the government the issue whether running the search term "Robert Abramoff" would capture all of the messages that were removed from the image of Abramoff's phone given that messages referencing him would likely call him "Bob" or "Robert" – not "Robert Abramoff." The parties have agreed to address this issue further.